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(54) **OBTAINING CONSENT FOR ELECTRONIC DELIVERY OF COMPLIANCE INFORMATION**

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(58) **Field of Search** 707/514, 516, 707/517, 524; 705/10, 21, 26–27, 35, 37, 39–42, 44, 1, 50, 80; 715/514, 516, 517, 524

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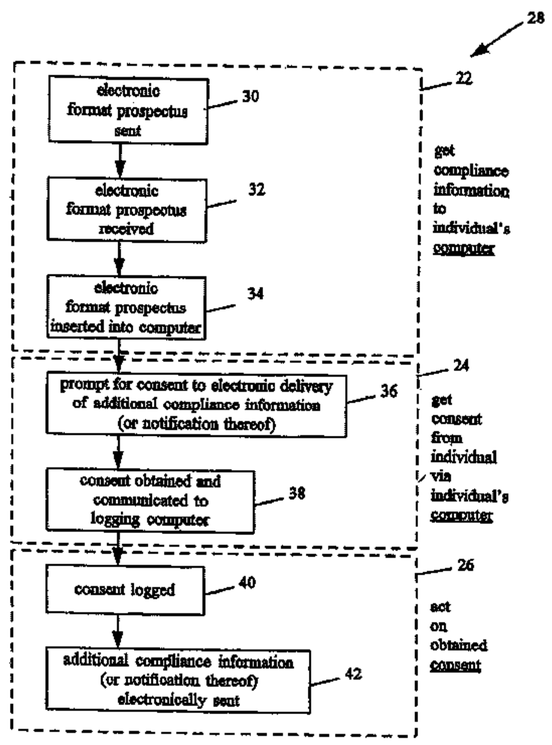
(57) **ABSTRACT**

A method and related system obtains consent from an individual for computer-aided delivery of compliance information. Initially, a computer-readable data storage device is provided to the individual. The device stores the compliance information and computer-executable instructions. By inserting the device into a computer, the instructions are executed and the individual is prompted by the computer to consent to the computer-aided delivery of additional compliance information. Once consent is indicated, it is communicated from the individual's computer to another computer such as a server over, for example, a modem connection. Having secured the individual's consent, the additional compliance information can be delivered to the individual's computer as, for example, a file attachment to an email message.

24 Claims, 3 Drawing Sheets



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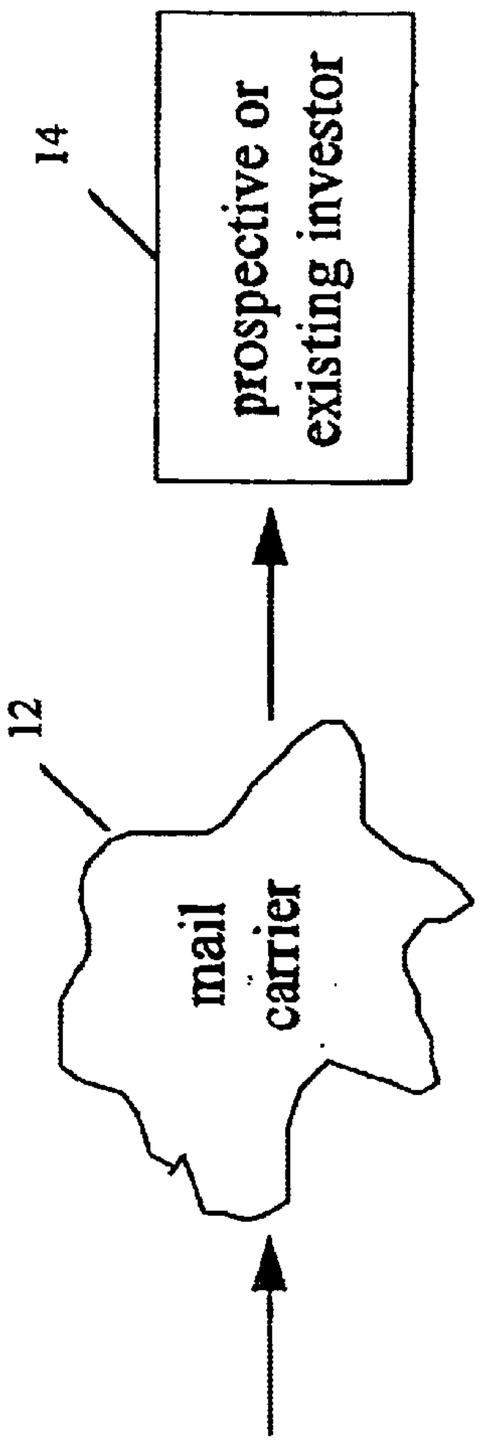
prospective or existing investor
14
mail carrier
12
prospectus in electronic format
10

FIG. 1A

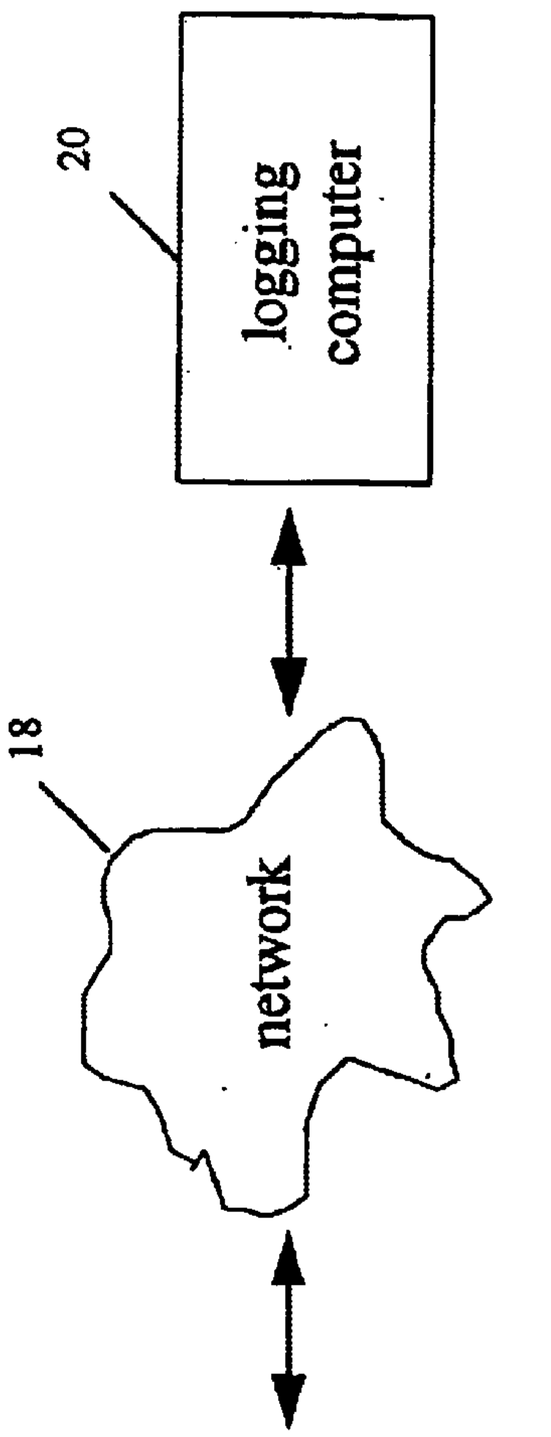
logging computer
20
network
18
prospectus in electronic format
10
computer
16

FIG. 1B

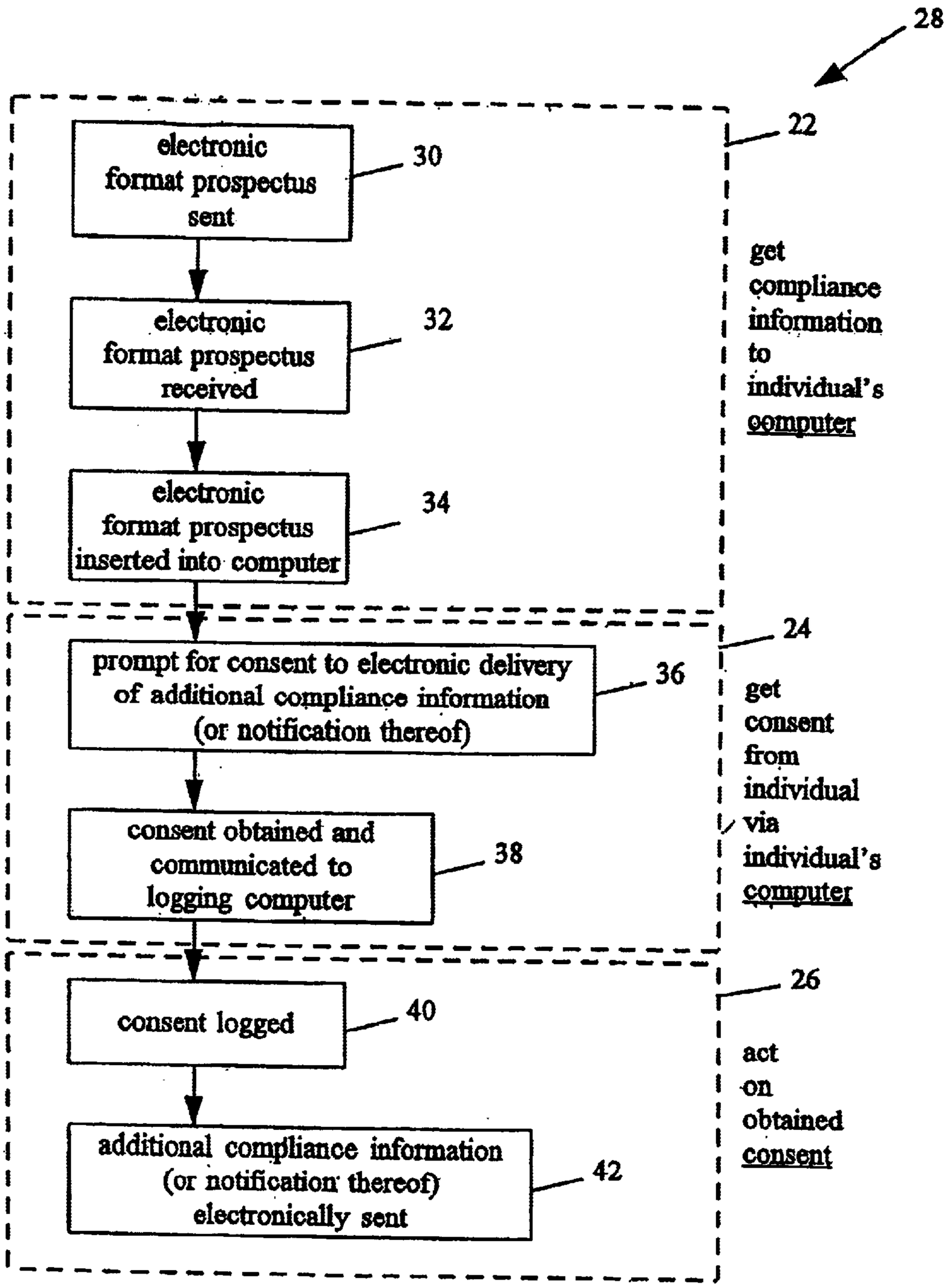
28
22
electronic format prospectus sent
30
electronic format prospectus received
32
electronic format prospectus inserted into computer
34
get compliance information to individual's computer
24
prompt for consent to electronic delivery of additional compliance information (or notification thereof)
36
consent obtained and communicated to logging computer
38
get consent from individual via individual's computer
26
consent logged
40
additional compliance information (or notification thereof) electronically sent
42
act on obtained consent

FIG. 1C

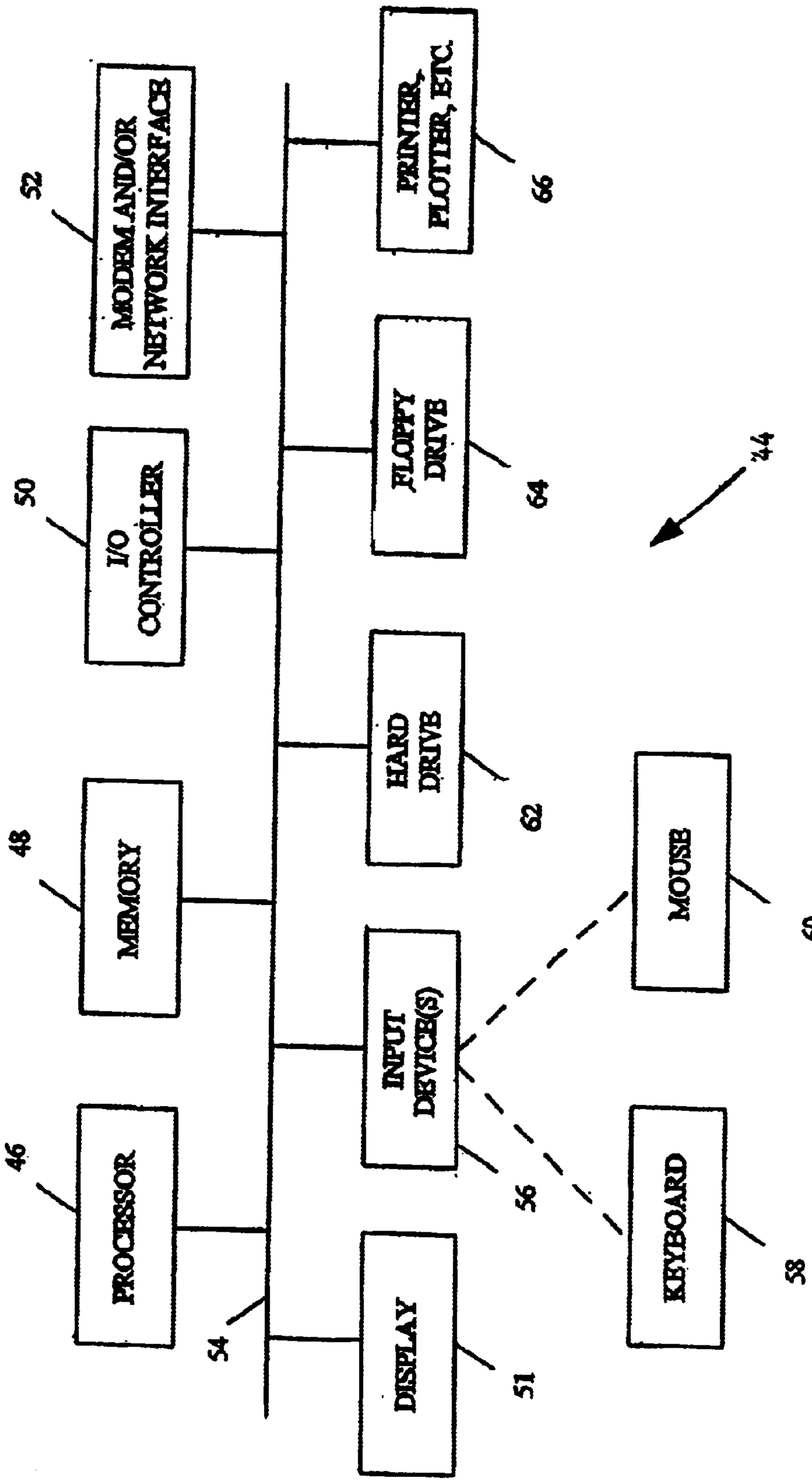
MODEM AND/OR NETWORK INTERFACE
52
PRINTER, PLOTTER, ETC.
66
I/O CONTROLLER
50
FLOPPY DRIVE
64
44
MEMORY
48
HARD DRIVE
62
MOUSE
60
INPUT DEVICE(S)
56
PROCESSOR
46
KEYBOARD
58
54
DISPLAY
51

FIG. 2

OBTAINING CONSENT FOR ELECTRONIC DELIVERY OF COMPLIANCE INFORMATION

TECHNICAL FIELD

This invention relates to obtaining consent from an individual to the electronic delivery of financial information such as that required by the Securities and Exchange Commission (e.g., a "sticker update" to a mutual fund prospectus already in the possession of the individual).

BACKGROUND INFORMATION

The Securities and Exchange Commission (SEC) requires that certain individuals such as prospective and existing investors be delivered certain information about investment vehicles such as mutual funds. In the context of a prospective investor in a particular mutual fund, for example, a mutual fund prospectus must be delivered to the prospective investor in such a way that it provides the prospective investor with notice and access. The delivery requirement can be met by sending the prospectus to the prospective investor via the U.S. Postal Service.

Delivering paper prospectuses and hard copies of other SEC-required documents (e.g., "sticker updates" to mutual fund prospectuses) to prospective and existing investors is a time consuming and costly endeavor for investment companies. Printing and mailing costs alone can amount to thousands or millions of dollars per year for a single mutual fund.

The SEC has indicated that mutual fund prospectus documents can be distributed in electronic format with the caveat that any electronic delivery must meet at least the SEC's notice, access, and evidence of delivery requirements.

SUMMARY OF THE INVENTION

In accordance with the invention, the physical delivery of electronic media containing SEC-required information (e.g., a computer-readable diskette that is sent to a person via the U.S. Postal Service and that contains in electronic digital format a mutual fund prospectus) can be used as a mechanism to establish electronic delivery of additional SEC-required information (e.g., a "sticker update" to the prospectus the person just received on the diskette) or to obtain the receiver's consent to the electronic delivery of a notification about additional SEC-required information. Such information can be called compliance information.

As used herein, the term "compliance information" is intended to mean any information or data that is required or suggested by the Securities and Exchange Commission (SEC), or similar state or national entity or entities in the U.S. or abroad (e.g., the National Association of Securities Dealers (NASD), state securities commissioners, and state insurance commissioners), to be filed or to be provided to certain individuals such as prospective and existing investors in mutual funds. Examples of documents containing compliance information include mutual fund prospectuses, updates to mutual fund prospectuses (commonly referred to in the industry as "stickers" or "sticker updates"), annual and semi-annual reports for mutual funds, Statements of Additional Information (SAIs) for mutual funds, preliminary prospectuses ("red herrings"), and final prospectuses. Other examples are disclosure documents for variable insurance products such as variable annuities. Still other examples are disclosure documents for any of a variety of other investment vehicles offered by essentially any entity including, for example, a mutual fund issuer, a corporation, a partnership, an investment company, etc. These types of documents can be called "compliance documents" or "regulated financial information documents" (RFIDs), and the compliance information contained in such documents generally includes financial, performance, and/or other disclosure information that the SEC (or similar state or national entity or entities in the U.S. or abroad) has determined should be regulated in some fashion such that, for example, certain individuals are provided with sufficient material to make a reasoned and informed decision about whether to invest or continue to invest money in the investment vehicle described in the RFID.

In a disclosed embodiment according to the invention, a computer-readable diskette or other physical electronic media is sent to a prospective investor through the mails using, for example, the U.S. Postal Service as the carrier or it is delivered to the prospective investor by hand. The diskette contains, in electronic digital format, a mutual fund prospectus. The prospective investor then inserts the diskette into a computer and, using one of a variety of possible text editors, word processors, or browsers, is able to display and read the prospectus on the computer monitor. The computer prompts the prospective investor in some fashion to respond to a request for consent to the electronic delivery of at least one additional compliance document or to the electronic delivery of a notification of the existence of at least one additional compliance document that the person agrees to obtain and review. Having secured the individual's consent, the software on the diskette and/or the computer then electronically communicates (e.g., via a network connection, a modem, etc.) that consent to some other computer for logging. That other computer could be a server maintained by, for example, the issuer of the mutual fund or an independent service. Depending on the specific consent requested and given, the individual might then sometime in the future receive by electronic mail ("email") an update to the mutual fund prospectus ("sticker") provided on the diskette, or the individual could receive a notification by email that a particular site on the World Wide Web has posted the mutual fund sticker and that the individual should view the sticker at that site by a certain date. The electronic connection is a computer communications link that can be made in a variety of ways including a direct dial-up connection, a private or public network connection, etc. The physical delivery of the diskette to the prospective investor thus is used as a mechanism to obtain consent from the prospective investor for future electronic delivery of additional compliance information.

In one aspect, the invention involves a method and related system for obtaining consent for computer-aided delivery of compliance information. The method and related system provide an individual at a first computer (e.g., a PC owned or used by the individual) with compliance information. The compliance information is provided in such a format that the individual can use the first computer to review it. The first computer also is used to prompt the individual to consent to the computer-aided delivery of additional compliance information. Having obtained the consent, the first computer electronically communicates the individual's consent from the first computer to a second computer (e.g., a server). The second computer can store the communicated consent and/or forward it to a third computer.

In some embodiments of this aspect of the invention, the individual is provided with the compliance information by forwarding to the individual a computer-readable data stor-

age device (e.g., a 3.5 inch computer diskette or a CD ROM) that contains the compliance information as well as computer-executable instructions that prompt the individual for the consent. In other embodiments, the individual is provided with the compliance information in another manner such as by download to the first computer from a source on the Internet. Regardless of the manner in which the compliance information is provided to or obtained by the individual, after the individual's consent is obtained and communicated to the second computer, the additional compliance information is delivered to the first computer. This delivery of the additional compliance information can occur immediately upon receipt of the consent by the second computer or it can happen at a later time, and it can be a delivery from the second computer or some other computer. Also, instead of delivering the additional compliance information to the first computer, a notification about the additional compliance information can be delivered to the first computer such as an email message sent to the first computer that identifies the existence and location of the additional compliance information thereby notifying the individual to, for example, visit a particular site on the World Wide Web section of the Internet to view the additional compliance information. Whether it is the actual additional compliance information or a notification thereof that is delivered to the first computer pursuant to the individual's consent, the delivery is accomplished electronically. That is, the delivery is over a computer communications link (e.g., a modem connection utilizing telephone lines, a network connection utilizing the Internet or some other computer network, etc.). As an example, the electronic delivery can take the form of a file attachment to an email message.

Also, in some embodiments according to this aspect of the invention, the compliance information is contained in a mutual fund prospectus, and the additional compliance information comprises one or more additions or changes ("stickers") to that mutual fund prospectus or an additional RFID. The compliance information and the additional compliance information can be contained in the a variety of other types of compliance documents including, but not limited to, mutual fund annual reports, mutual fund semi-annual reports, replacement mutual fund prospectuses, mutual fund Statements of Additional Information (SAIs), etc.

In another aspect, the invention relates to a manufacture comprising a computer-readable data storage device. The device stores compliance information and computer-executable instructions. The instructions execute on a first computer to cause the first computer to prompt an individual using the first computer to consent to computer-aided delivery of additional compliance information. The instructions also execute on the first computer to cause the first computer to obtain the individual's consent and then communicate that consent from the first computer to a second computer.

Embodiments in accordance with this other aspect of the invention can include the following features. The instructions stored by the device also can execute on the first computer to cause the first computer to display the additional compliance information after the additional compliance information is received at the first computer. The compliance information can comprise a mutual fund prospectus, and the additional compliance information can comprise one or more additions or changes to the mutual fund prospectus.

The foregoing and other objects, aspects, features, and advantages of the invention will become more apparent from the following description and from the claims.

BRIEF DESCRIPTION OF THE DRAWINGS

In the drawings, like reference characters generally refer to the same parts throughout the different views. Also, the drawings are not necessarily to scale, emphasis instead generally being placed upon illustrating the principles of the invention.

FIG. **1A** is a diagram of the physical delivery of compliance information in computer-readable format to an individual.

FIG. **1B** is a diagram showing access of the compliance information by a computer operated by the individual and showing consent being provided electronically from the individual's computer to another computer such as a server.

FIG. **1C** is a flowchart of steps involved in obtaining consent from the individual using the structures of FIGS. **1A** and **1B**.

FIG. **2** is a block diagram of a general purpose computer for use with the invention.

DESCRIPTION

Referring to FIG. **1A**, a computer-readable storage device **10** is sent via a mail carrier service **12** to an individual **14**. As an alternative to the mail carrier service **12**, the individual **14** could directly receive the device **10** by in-person hand delivery. The device **10** can be any computer-readable data storage unit such as a computer diskette, a CD ROM, or a flash memory card. In the disclosed embodiment, the device **10** is a 3.5 inch computer diskette. Whatever the form the device **10** takes, it must contain at least compliance information (as defined above) in a format that is readable by a computer. In the disclosed embodiment, the device **10** stores a mutual fund prospectus. In addition to the compliance information, the device **10** also contains computer-executable instructions (software) for causing the computer to prompt the individual **14** for consent to the computer-aided delivery of additional compliance information to the individual **14** and for causing the computer to forward the consent to another computer. The mail carrier service **12** can be any of a variety of services that physically delivery packages and letters from one location to another including the U.S. Postal Service, United Parcel Service, or Federal Express. As mentioned previously, the delivery could be accomplished in person. In the disclosed embodiment, the individual **14** is a prospective or existing investor in, for example, a mutual fund.

Referring to FIG. **1B**, with the device **10** in hand, the individual **14** can load it into a computer **16**. The computer **16** will read the compliance information stored on the device **10** and display it to the individual **14**. While it is possible for the computer **16** to use any of a variety of text editors, word processors, browsers, or other software to display the compliance information on the device **10** to the individual, in the disclosed embodiment, the computer **16** uses a "micro browser" stored on the device **10** along with the compliance information. The micro browser allows the individual at the computer **16** to review, search, etc. the compliance information. The micro browser can provide a variety of useful features to the individual **14** reviewing the compliance information including hypertext links to other sections of the mutual fund prospectus and/or to sites on the World Wide Web. In addition to the micro browser, or as part of the micro browser software, software on the device **10** is loaded into the computer **16** and executes on the computer **16** to prompt the individual **14** for his or her consent to the computer-aided delivery of additional compliance information or for his or her consent to a computer notification of the existence of additional compliance information. Once the individual **14** responds to the prompt and indicates his or her consent, the software causes the computer **16** to communicate that

consent electronically over a computer communications link **18** (e.g., a computer network such as the Internet, the telephone system, etc.) to another computer **20**. The computer communications link **18** between the individual's computer **16** and the other computer **20** is depicted as a "cloud" in FIG. **1**B to indicate that it can be any of a variety of mediums over which two computers can or could transfer data. In the disclosed embodiment, the other computer **20** is a server that receives and logs the consent sent from the individual's computer **16**. The other computer **20** can be maintained by, for example, the issuer of the mutual fund whose prospectus is stored by the device **10**.

Some additional software features are as follows. In addition to the micro browser, or as part of the micro browser software, software on the device **10** is loaded into the computer **16** and executes on the computer **16** to provide a "forms wizard" feature to the individual **14** to aid in the completion of the various forms required to purchase the particular financial product(s) described by the compliance information on the diskette **10**. Enrollment forms for many investment products are complex, and the forms wizard feature allows the individual **14** to complete such forms accurately and completely. Other software can be provided to allow the individual **14** to view various illustrations of quantitative scenarios. For example, the software can provide, or allow the downloading and self-extraction of files that provide, the individual **14** with the ability to enter his or her age and income and tax information such that the individual can make a determination based on the illustrations about whether a particular investment is appropriate or not.

Getting back to the consent that the individual provides, the scope of the consent requested of the individual **14** can vary. Depending on the type of compliance information (e.g., one or more mutual fund prospectuses, one or more prospectuses for one or more variable life insurance products, prospectuses for some collection of mutual funds whether all under the same fund family or not, etc.) stored by the device **10**, the issuer of the particular investment vehicle described by the compliance information, and/or other factors, the individual may be requested for his or her consent to a wide range of things such as the consent to the computer-aided delivery of all compliance information required by a particular issuer, the consent to the computer-aided delivery of all "sticker" updates to the particular mutual fund prospectus that came stored on the diskette **10**, or the consent to just one annual report related to the particular mutual fund prospectus on the diskette **10**. Also, the scope of the consent can be broad enough to cover the computer-aided delivery of compliance information from more than one source or issuer.

Whatever the specific consent requested and given and then communicated to the other computer **20**, the individual **14** will then sometime in the future receive by electronic delivery the additional compliance information. This delivery can be from the other computer **20** or some other computer that receives the consent from the other computer **20** (or is otherwise provided with the consent). In the disclosed embodiment, the additional compliance information is either a sticker to the mutual fund prospectus on the diskette **10** or a notification indicating the existence and location of the sticker. The sticker can be sent from the other computer **20** to the individual's computer **16** as a file attachment to an email message. The notification can be sent from the other computer **20** to the individual's computer **16** as an email message having the address (Universal Resource Locator or URL) of a site on the World Wide Web where the sticker is posted, and this email message can also include a note to the individual **14** that he or she should view the sticker by a certain date.

Thus, in accordance with at least one aspect of the invention, the physical delivery of the diskette **10** to the individual **14** is used as a mechanism to obtain consent from the individual **14** for future electronic delivery of at least some additional compliance information.

The device **10** itself is an aspect of the invention. The device **10**, whatever form it takes (e.g., a 3.5 inch computer diskette), includes the compliance information and the software necessary to at least obtain consent from the individual **14** via the computer **16** and then communicate the obtained consent to the other computer **20**. The software on the device **10** preferably also includes the micro browser that can be executed on the individual's computer **16** to cause it at least to display the compliance information and preferably also the additional compliance information after that is received at the individual's computer **16** pursuant to the consent given by the individual **14**. The methods of making computer-readable storage devices, such as 3.5 inch computer diskettes, are well known and thus are not described herein. Also, the technology to store software and data generally on such devices is available and thus is not described herein.

Referring to FIG. **1**C, at least one aspect of the invention relates to a method **28** having the general steps of getting compliance information to the individual's computer **16** (step **22**), getting the individual **14** to consent to the computer-aided delivery of additional compliance information (step **24**), and acting on that consent once given (step **26**). More particularly, in the disclosed embodiment, the method **28** involves physically sending the diskette **10** to the prospective or existing investor **14** (step **30**) which is received by the individual **14** (step **32**) and inserted into his or her computer **16** (step **34**). In an alternative embodiment, the individual **14** does not receive the compliance information and/or software stored on a physical device **10** but instead uses his or her computer **16** to download the compliance information and/or software from a source. The source in the alternative embodiment can be the other computer **20** or a different computer such as a server on the Internet. Regardless of the manner in which the compliance information and/or software gets to the individual's computer **16**, the individual **14** is prompted by his or her computer **16** to consent to the computer-aided delivery of additional compliance information or to consent to the computer-aided delivery of a notification of the additional compliance information (step **36**). The individual **14** then indicates his or her consent by, for example, using a mouse of the computer **16** to click on an OK box displayed on a display of the computer **16**, and the consent is communicated to the logging computer **20** (step **38**). The logging computer **20** stores the consent received from the individual's computer **16** (step **40**), and the additional compliance information or notification thereof that the individual **14** agreed to accept electronically is then immediately or later sent to the individual's computer **16** (step **42**).

The various computers used in the invention (e.g., the individual's computer **16** and the logging computer **20**) can be general purpose computers. Referring to FIG. **2**, at least the basic components of a general purpose computer **44** typically include a central processor **46**, a main memory unit **48** for storing software and/or data, an input/output (I/O) controller **50**, a display device **51**, a communications device **52** such as a modem or a network interface card, and a data bus **54** coupling these components to allow communication

there between. The memory **48** generally will include random access memory (RAM) and read only memory (ROM) chips. The computer **44** typically also has one or more input devices **56** such as a keyboard **58** and a mouse **60**. The computer **44** typically also has a hard drive **62** with hard disks therein and a floppy drive **64** for receiving floppy disks such as the 3.5 inch diskette **10**. Other devices also can be part of the computer **44** including output devices **66** (e.g., printer or plotter) and/or optical disk drives for receiving and reading digital data on a CD-ROM. In the disclosed embodiment, one or more computer programs define the operational capabilities of the computer **44**. These software programs can be loaded onto the hard drive **62** and/or into the memory **48** of the computer **44** via the floppy drive **64**. The compliance data stored on the diskette **10** also can be loaded into the computer **44** via the floppy drive **64**.

In one embodiment, at least the executable version of the software (e.g., the micro browser) is made to reside on the hard drive **62**, and it is caused to execute by the individual **14** double-clicking an appropriate icon on the display **51** using the mouse **60**. In general, the controlling software and all of the data utilized by the software are transferred from the diskette **10** and reside on one or more of the computer's storage mediums such as the hard drive **62**.

The general purpose computer **44** can be any computer or workstation (client or server) such as a PC or PC-compatible machine, an Apple Macintosh, a Sun workstation, etc. The particular type of computer or workstation is not central to the invention. In fact, the invention can be implemented in a variety of ways including an all-hardware embodiment in which dedicated electronic circuits are designed to perform all of the functionality which the programmed computer can perform. The preferred embodiment of the invention is an implementation in software for execution on one or more general purpose computers such as PCs running the Microsoft Windows or Microsoft Windows 95 operating system.

Variations, modifications, and other implementations of what is described herein will occur to those of ordinary skill in the art without departing from the spirit and the scope of the invention as claimed. Accordingly, the invention is to be defined not by the preceding illustrative description but instead by the spirit and scope of the following claims.

What is claimed is:

1. A method for obtaining consent for computer-aided delivery of compliance information, the method comprising:

forwarding a computer-readable data storage device to an individual, the device storing compliance information and computer-executable instructions for obtaining consent from the individual for subsequent computer-aided delivery of additional compliance information to the individual;

prompting, by execution of the instructions on a first computer, the individual for consent to the subsequent computer-aided delivery of the additional compliance information to the individual; and

communicating the individual's consent from the first computer to a second computer.

2. The method of claim **1** further comprising delivering the additional compliance information to the first computer.

3. The method of claim **1** further comprising delivering a notification to the first computer about the additional compliance information.

4. The method of claim **3** wherein the delivering step comprises delivering the notification which comprises an identification of the existence and location of the additional compliance information.

5. The method of claim **2**, **3**, or **4** wherein the additional compliance information comprises one or more additions or changes to a mutual fund prospectus.

6. The method of claim **1** wherein the forwarded device comprises a computer diskette.

7. The method of claim **1** wherein the forwarded device comprises a CD ROM.

8. The method of claim **1** further comprising storing the communicated consent at the second computer.

9. The method of claim **1** wherein the communicating step comprises communicating over a computer communications link.

10. The method of claim **2**, **3**, or **4** wherein the delivering step comprises delivering over a computer communications link.

11. The method of claim **9** wherein the computer communications link comprises a telephone line.

12. The method of claim **1** wherein the communicating step comprises communicating over a computer network.

13. A method for obtaining consent for computer-aided delivery of compliance information, comprising:

providing to an individual compliance information on a first computer;

prompting the individual with the first computer to consent to subsequent computer-aided delivery of additional compliance information; and

communicating the individual's consent from the first computer to a second computer.

14. The method of claim **13** further comprising delivering the additional compliance information to the first computer.

15. The method of claim **13** further comprising delivering a notification to the first computer about the additional compliance information.

16. The method of claim **15** wherein the delivering step comprises delivering the notification which comprises an identification of the existence and location of the additional compliance information.

17. The method of claim **14**, **15**, or **16** wherein the additional compliance information comprises one or more additions or changes to a mutual fund prospectus.

18. The method of claim **13** further comprising storing the communicated consent at the second computer.

19. The method of claim **13** wherein the communicating step comprises communicating over a computer communications link.

20. The method of claim **14**, **15**, or **16** wherein the delivering step comprises delivering over a computer communications link.

21. An article of manufacture, comprising:

a computer-readable medium storing compliance information and computer-executable instructions, the computer-executable instructions for execution on a first computer to cause the first computer to prompt an individual using the first computer to consent to computer-aided delivery of additional compliance information, the computer-executable instructions also for execution on the first computer to cause the first computer to communicate the consent from the first computer to a second computer.

22. The article of manufacture of claim **21** wherein the computer-executable instructions also further display the additional compliance information after the additional compliance information is received at the first computer.

23. The article of manufacture of claim **21** or **22** wherein the compliance information comprises a mutual fund prospectus.

24. The article of manufacture of claim **21** or **22** wherein the additional compliance information comprises one or more additions or changes to a mutual fund prospectus.

* * * * *